

Appln. No.: 09/988,924
Amendment Dated May 3, 2005
Reply to Office Action of February 3, 2005

MATP-612US

Remarks/Arguments:

Claims 1-7, 9-12, 19-24, 26 and 27 are pending in the above-identified application, claims 13-18 and 28-31 have been withdrawn from consideration and claims 8 and 25 are canceled. The restriction of claims 13-18 and 28-31 into a group separate from claims 1-12 and 19-27 was made final in the Office Action dated February 3, 2005. Pursuant to 37 C.F.R. § 1.144, Applicant files herewith a petition requesting reconsideration of the Restriction and requesting rejoinder of the claims.

Claim 10-12 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite. This ground for rejection is overcome by amending claim 10 to change "intra-field interpolation value" to "non-linear interpolation value" which has antecedent basis at line 4 of claim 10. With this amendment claims 10-12 are no longer subject to rejection under 35 U.S.C. § 112, second paragraph.

Claims 1-2, 4-5, 7, 10-12, 19-20 and 23-24 were rejected under 35 U.S.C. § 102(e) as being anticipated by Jaing et al. This ground for rejection is overcome by the amendments to claims 1 and 19. These amended claims correspond to claims 8 and 25 as originally filed. Claims 8 and 25 are canceled by this amendment. In particular, Jaing et al. does not disclose or suggest, the step of "filtering the interpolated pixel value to reduce errors in the interpolated pixel resulting from electrical noise in the interlace scan video image" as set forth in claim 1, claim 19 is amended to include a similar recitation. That these limitations are missing from Jaing et al. is admitted in the Office Action because claims 8 and 25 were rejected only under 35 U.S.C. § 103(a) as being obvious in view of Jaing et al. and Topper.

Topper, however, is not a proper prior art reference against the subject application. Both the present application and Topper were commonly owned by Matsushita Electric Industrial Co., Ltd. at the time the present application was filed. The Topper reference is a 102(e) reference used by the 103(a) rejection. Therefore, pursuant to 35 U.S.C. § 103(c), Topper can not be used in a rejection under 35 U.S.C. § 103(a) against any claim of the subject application. Thus, the ground for rejecting claims 8 and 25 is improper and, therefore, amended claims 1 and 19, which correspond to original claims 8 and 25 are not subject to rejection under 35 U.S.C. § 102(e) in view of Jaing et al. or under 35 U.S.C. § 103(a) in view of Jaing et al. and Topper. Claims 2, 4, 5, 7 and 10-12 depend from claim 1 and claims 20, 23

Appln. No.: 09/988,924
Amendment Dated May 3, 2005
Reply to Office Action of February 3, 2005

MATP-612US

and 24 depend from claim 19. Thus, these claims are not subject to rejection under 35 U.S.C. § 102(e) in view of Jaing et al. or under 35 U.S.C. § 103(a) in view of Jaing et al. and Topper for at least the same reasons as claims 1 and 19.

Claims 6 and 21 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Jaing et al. Claim 6 depends from claim 1 and claim 21 depends from claim 19. Thus, for the reasons set forth above, claims 6 and 21 are not subject to rejection under 35 U.S.C. § 103(a) in view of Jaing et al. Furthermore, Applicant respectfully disagree with the Examiner that the step of "generating a non-linear interpolation value" in claim 6 is old and known in the art. None of the cited references disclose or suggest this feature. Thus, the rejection of claim 6 was not supported by substantial evidence. If the Examiner persists in asserting that "generating a non-linear interpolation value" is known in the art, Applicant respectfully requests that he provide substantial evidence of this assertion. Thus, claims 6 and 21 are not subject to rejection under 35 U.S.C. § 103(a) in view of Jaing et al.

Claims 3 and 22 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Jaing et al. and Shin et al. This ground for rejection is overcome by the amendment to claim 1, from which claim 3 depends, and the amendment to claim 19, from which claim 22 depends. In particular, Shin et al. do not disclose or suggest, the step of "filtering the interpolated pixel value to reduce errors in the interpolated pixel resulting from electrical noise in the interlace scan video image," as set forth in claim 1 or the similar limitation contained in amended claim 19. Shin et al. concerns a deinterlacing apparatus that generates intra-field interpolation values in accordance with a detected edge direction. Shin et al. do not disclose or suggest any filtering of the interpolated pixel value to reduce errors in the interpolated pixel resulting from electrical noise in the interlace scan video image. Accordingly, Shin et al. can not provide the material that is missing from Jaing et al. Accordingly, claims 1 and 19 and claims 3 and 22 which depend from them are not subject to rejection under 35 U.S.C. § 103(a) in view of Jaing et al. and Shin et al.

Claims 8 and 25 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Jaing et al. and Topper. As set forth above, this ground for rejection is improper because Topper is not a prior art reference against claims 8 and 25. Because Claim 1 has been amended to include the limitation of claim 8 and claim 19 has been amended to include the limitation of claim 25, claims 8 and 25 are canceled from the subject application.

Appln. No.: 09/988,924
Amendment Dated May 3, 2005
Reply to Office Action of February 3, 2005

MATP-612US

Applicants appreciate the indication in the Office Action that claims 9-12 and 26-27 would be allowable if amended to be independent and to include all of the limitations of their base claims and any intervening claims. Because, as described above, claims 1 and 19 are not subject to rejection in view of the cited references, no amendment to claims 9-12 and 26-27 is needed.

The prior art made of record but not applied has been considered but does not affect the patentability of the invention.

In view of the foregoing amendments and remarks, Applicants request that the Examiner reconsider and withdraw the objections to claims 9-12 and 26-27 and the rejection of claims 1-7 and 19-24.

Respectfully submitted,


Kenneth N. Nigon, Reg. No. 31,549
Attorney for Applicant

KNN/tmb

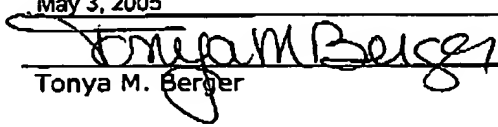
Dated: May 3, 2005

P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 18-0350 of any fees associated with this communication.

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office (1-703-872-9306) on:

May 3, 2005


Tonya M. Berger